

Nepotism

(SB 319, by McFarland)

DIGEST:

SB 319 would have made several changes in the laws dealing with the hiring, appointment, or approval of relatives for government positions. Persons with hiring authority could not have hired their own relatives or the relatives of the official or member of a governmental body that delegated the hiring authority to them. Heads of state and local government agencies and supervisors with hiring authority, except for school superintendents and principals, could not have been related to employees under their supervision. New exceptions to the nepotism laws would have allowed: Senate confirmation of an appointee related to a member of the House, as long as he or she was not related to a member of the Senate; appointment or confirmation of officials, such as Supreme Court justices, for whom the Texas Constitution sets the exclusive qualifications for office; confirmation upon reappointment or any subsequent appointment of a person whose "service as a public servant since the initial confirmation has been continuous."

GOVERNOR'S
REASONS
FOR VETO:

"Strong laws regulating nepotism in state government have served this state well, and a weakening of these prohibitions should not be permitted."

SPONSOR'S
VIEW:

Sen. McFarland said he was told by the Governor that the bill was vetoed because of the provision allowing for Senate confirmation of an appointee who is a relative of a House member. "That is not a substantive enough basis for the veto," McFarland said. The bill's purpose was to strengthen and clarify the 74-year-old nepotism law, McFarland said. The ethics commission studying the issue saw no harm in allowing appointment and confirmation of House members' relatives because House members do not vote on the confirmation, McFarland said. The Governor still would decide whether to appoint a representative's relative, and a representative or senator could be prosecuted for conspiring to have a relative confirmed. McFarland said he would reintroduce the bill.

NOTES:

THE HSG analysis of the companion bill, HB 832, appeared in the April 14 Daily Floor Report.